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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 BERNARD WAITHAKA, on behalf of
himself and all others similarly situated,

10 Plaintiffs,

11 v.

12 AMAZON.COM, INC., AMAZON
13 LOGISTICS, INC.,

14 Defendants.

Case No. C19-1320 RSM

STIPULATION AND ORDER RE:
STAY PENDING RESOLUTION OF
APPEAL

15 Plaintiff Bernard Waithaka and Defendants Amazon.com, Inc. and Amazon Logistics,
16 Inc., by and through their undersigned counsel, jointly stipulate and request that the Court stay
17 this action pending the resolution of the appeal presently before the U.S. Court of Appeals for
18 the First Circuit in the matter of *Waithaka v. Amazon.com, Inc., et al.*, No. 18-40150 (D.
19 Mass.), *appeal docketed*, No. 19-1848 (1st Cir. Aug. 30, 2019). In support of this joint
20 stipulation, the parties state as follows:

21 1. Defendants' deadline to answer or otherwise respond to the Complaint is
22 October 3, 2019. *See* ECF No. 71.

23 2. The Court's August 28, 2019 Order Regarding Initial Disclosures, Joint Status
24 Report, and Early Settlement sets a September 25, 2019 deadline for the parties' Fed. R. Civ.
25 P. 26(f) conference; an October 2, 2019 deadline to serve initial disclosures pursuant to Fed.
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1 R. Civ. P. 26(a)(1); and an October 9, 2019 deadline to file a combined joint status report and
2 discovery plan as required by Fed. R. Civ. P. 26(f) and Local Rule 26(f). *See* ECF No. 64.

3 3. This action was transferred to this Court from the U.S. District Court for the
4 District of Massachusetts on August 20, 2019, after Judge Hillman of the District of
5 Massachusetts granted in part and denied in part Defendants' motion to compel arbitration, or
6 in the alternative, to transfer or stay. Judge Hillman held that Plaintiffs fall within the Federal
7 Arbitration Act's transportation worker exemption, 9 U.S.C. § 1. Defendants have appealed
8 that decision to the First Circuit.

9 4. In the interests of judicial economy and preserving party resources, the parties
10 respectfully request that the Court stay this action pending the disposition by the First Circuit
11 of the presently-pending appeal.

12 Respectfully submitted September 23, 2019.

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* *Pro hac vice* applications forthcoming

1 **ORDER**

2 Having reviewed the parties' Stipulation and Proposed Order Regarding Stay Pending
3 Resolution of Appeal, it is hereby ordered that this matter is stayed until the final resolution
4 by the U.S. Court of Appeals for the First Circuit of the matter of *Waithaka v. Amazon.com,*
5 *Inc., et al.* (1st Cir. No. 19-1848).

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7 DATED this 25th day of September 2019.

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10 RICARDO S. MARTINEZ
11 CHIEF UNITED STATES DISTRICT JUDGE
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